

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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| MICHAEL GORDON APPLEBY, | : | CIVIL ACTION NO. 1:16-CV-1491 |
| | : | |
| Plaintiff | : | (Chief Judge Conner) |
| | : | |
| v. | : | |
| | : | |
| MEGAN J. BRENNAN, et al., | : | |
| | : | |
| Defendants | : | |

ORDER

AND NOW, this 25th day of February, 2019, upon consideration of the report (Doc. 78) of Magistrate Judge William I. Arbuckle, recommending that the court grant defendants' motion (Doc. 60) for summary judgment and deny plaintiff's cross-motion (Doc. 66) for summary judgment, and the court noting that plaintiff filed objections (Doc. 80) to the report, see FED. R. CIV. P. 72(b)(2), and defendants filed a response (Doc. 81) thereto, and following a *de novo* review of the contested portions of the report, see Behar v. Pa. Dep't of Transp., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing 28 U.S.C. § 636(b)(1)(C); Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989)), the court finding Judge Arbuckle's analysis to be thorough, well-reasoned, and fully supported by the record, and further finding plaintiff's objections (Doc. 80) to be without merit and squarely addressed by the report, it is hereby ORDERED that:

1. The report (Doc. 78) of Magistrate Judge Arbuckle is ADOPTED.
2. Defendants' motion (Doc. 60) for summary judgment is GRANTED.
3. Plaintiff's motion (Doc. 66) for summary judgment is DENIED.

4. The Clerk of Court is directed to enter judgment in favor of defendants and against plaintiff on all counts of plaintiff's complaint. (Doc. 1).
5. The Clerk of Court is directed to thereafter close this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania